

# In the Court of Appeals of the State of Alaska

**Benjamin David MacMurray,**  
Appellant,

v.

**State of Alaska,**  
Appellee.

Court of Appeals No. **A-13815**

## **Order**

Date of Order: **9/22/2022**

Trial Court Case No. **4TO-15-00030CR**

Before: Allard, Chief Judge, and Wollenberg, Judge.

The appellant, through counsel, has filed a series of requests for an extension to file the opening brief based on extraordinary circumstances. The Court agrees that the affidavits attached to the requests establish extraordinary circumstances. However, the appellant's most recent motion requested an extension of time until 9/20/2022 to file the opening brief, and as of today, the Court has not received the brief, nor has the Court received a motion to extend the time for filing the brief.

Accordingly, counsel for the appellant is directed to show cause why a fine of \$50.00 should not be imposed under Appellate Rule 510(c). Counsel's response to this order to show cause must be made under oath, and it must be filed on or before **10/5/2022**.

Also, on or before **10/5/2022**, the appellant must file the brief, accompanied by a motion to accept the late-filed brief, or must file a proper motion for extension of time to file the brief. In either case, the appellant's motion must state the reasons why the appellant could not file the brief, or at least a motion to extend time, by **9/20/2022**. Any

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motion will be submitted to a judge for decision. If the appellant files the brief, the appellant must also e-mail a PDF copy of the brief to [pleadings@akcourts.us](mailto:pleadings@akcourts.us).

Failure to comply with the provisions of this order will result in additional sanctions.

Entered at the direction of the Court.

Clerk of the Appellate Courts

*/s/ R. Montgomery-Sythe*

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Ryan Montgomery-Sythe,  
Chief Deputy Clerk

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